

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

**F051700      Lyle Brewer et al. v. Keith Klein et al.**

Cause called and argued by John P. Brekhuis, Esq., counsel for appellants and by Gregory Chappel, Esq., counsel for respondents.

Cause ordered submitted.

Court recessed until Wednesday, March 12, 2008 at 1:30 P.M.

**F053847      In re M.S. et al., Minors**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F053847      In re M.S. et al., Minors**

The order terminating parental rights is conditionally reversed and the case is remanded for a limited remand. The superior court is directed to assure that an inquiry is conducted pursuant to section 224.3, subdivisions (a)-(c) and notice is served pursuant to section 224.2 based on the paternal grandmother's claim of Indian heritage. The department must provide notice in accordance with section 224.2 and in compliance with ICWA to the BIA and any identified tribes. In the event the BIA or any tribe responds by confirming that the children are or may be eligible for membership, the court shall proceed accordingly and is hereby authorized to vacate, in whole or in part, any prior finding or order which is inconsistent with ICWA requirements. If there is no confirmation that the child is or may be eligible for Indian tribal membership within 60 days after proper and adequate notice has been received (ss 224.3, sub. (e)(3)), the court shall reinstate the order terminating parental rights. By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F052478      People v. Britt**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F052478      People v. Britt**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054345      In re Ernesto T. et al., Minors**

No brief or request for extension of time having been filed by appellant within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F053084      People v. Trujillo**

The above-entitled case is submitted for decision.

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- F053084      People v. Trujillo**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F052433      People v. Severs**  
The judgment is affirmed. Harris, Acting P.J.  
We concur: Levy, J.; Dawson, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F052623      People v. Asher**  
The judgment is affirmed. Harris, Acting P.J.  
We concur: Levy, J.; Dawson, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F053083      People v. Trujillo**  
The above-entitled case is submitted for decision.

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**F053083      People v. Trujillo**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F053763      People v. Holt**

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F053443      People v. May**

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F054233      People v. Ramos**

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.